

Department of Labor Meets with Commission Staff, Employer Educational Meetings Set

By Ken Melban

Vice President of Industry Affairs

In December 2017, representatives from the U.S. Department of Labor, Wage and Hour Division's (WHD) San Diego District Office met with California Avocado Commission (CAC) President Tom Bellamore and Vice President of Industry Affairs Ken Melban. WHD requested the meeting to discuss concerns regarding some avocado industry members, including growers and labor contractors.

According to WHD, a high percentage of employer violations has occurred within the avocado industry related to compliance with federal wage and hour requirements. WHD is interested in partnering with CAC to conduct educational outreach on federal labor law to provide industry members with an understanding of the law and how to comply. WHD stressed its interest in providing employers with the critical information and understanding necessary to ensure they are compliant with federal labor regulations.

WHD has a number of compliance-assistance resources tailored specifically to the agriculture industry (<https://www.dol.gov/whd/ag/index.htm>). Under the following existing federal statutes, WHD is responsible for administering laws that extend various protections to different types of agricultural workers:

- The Fair Labor Standards Act (FLSA) contains federal minimum wage, overtime, recordkeeping, and child labor requirements for covered agricultural employers. www.dol.gov/whd/ag/ag_flsa.htm
- The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) protects migrant and seasonal agricultural workers by establishing employment standards related to wages, housing, transportation, disclosures and recordkeeping. The MSPA also requires farm labor contractors (FLCs) and farm labor contractor employees (FLCEs) to register with the U.S. Department of Labor and to obtain special authorization before housing, transporting or driving covered workers. dol.gov/whd/mspa/index.htm
- The H-2A visa program establishes standards related to recruitment, wages, housing, transportation and recordkeeping for employers of temporary non-immigrant agricultural workers admitted to the country under section 218 of the Immigration and Nationality Act. dol.gov/whd/



[ag/ag_h-2a.htm](#)

- The Field Sanitation Provisions of the Occupational Safety and Health Act establish minimum standards for covered agricultural settings for toilets, potable drinking water, hand-washing facilities and for providing information regarding good hygiene practices. dol.gov/whd/ag/ag_field-san.htm

The coverage and requirements of these statutes above may overlap, and it's easy to see how confusion among employers may exist. If you have specific questions, please contact the nearest WHD district. To find your local office call the toll-free number: 1.866.4.USWAGE (1.866.487.9243) or the San Diego District Office for further guidance: 619.557.5110.

CAC has scheduled educational seminars for growers and labor contractors to learn directly from WHD federal labor law requirements. WHD staff will provide an overview of the legal wage and hour requirements and answer employer questions. Growers and labor contractors are encouraged to attend. The meetings will be held as follows. 🍌

Tuesday, February 6, 2018

9:00 - 11:00 a.m.

Pala Mesa Resort

2001 Old Highway 395, Fallbrook

Wednesday, February 7, 2018

9:00 - 11:00 a.m.

Santa Paula Ag Museum

926 Railroad Ave., Santa Paula

Thursday, February 8, 2018

9:00 - 11:00 a.m.

San Luis Obispo Farm Bureau

4875 Morabito Place, San Luis Obispo